IN THE HIGH COURT OF JUDICATURE AT BOMBAY

O.O.C.J.

SUMMONS FOR JUDGMENT NO.144 OF 2006

IN

SUMMARY SUIT NO.821 OF 2005

...

M/s.Interlables Industries
Pvt.ltd. ...Plaintiff

v/s.

Mr.Subramaniam ...Defendant

...

Ms.Khatu i/b Vijaykumar & Co. for the Plaintiff.

Mr.A.C.Sarkate for the Defendant.

...

CORAM: D.K.DESHMUKH, J.

DATED: 7TH AUGUST, 2006

P.C.:

1. The plaintiff has filed this suit for recovery of

the price of the goods which were sold by the plaintiff. According to the plaintiff, the plaintiff has filed the suit for unpaid price of the goods supplied from the month of August 2000, till May, 2004.

2. One of the defence raised by the defendant is that the suit in so far as it claims unpaid price of the goods sold till May, 2004 is barred by law of limitation. There are other defences also raised. The petitioner has not filed any affidavit controverting the allegations made in the reply filed by the defendant.

3. It prima-facie thus, appears that the part of the claim made by the plaintiff may be barred by law of limitation. The defence, thus, put up by the defendant does not appear to be a moon shine defence. Therefore, the defendant would be entitled to leave to defend the suit. Summons for Judgment disposed off. The defendant is granted unconditional leave to defend the suit. Written statement to be filed within a period of four weeks. Suit be transferred to commercial cause lists.

...